
OLR Bill Analysis

sSB 84

AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES.

SUMMARY:

This bill makes several changes to the outdoor wood-burning furnace law. It:

1. makes permanent the ban on installing, modifying, or using an outdoor wood-burning furnace that does not meet certain requirements;
2. extends, to outdoor wood-burning furnaces constructed or in use before July 8, 2005, two restrictions that currently apply only to furnaces constructed or first used after that date;
3. adds wood pellets to the materials allowed for burning in all such furnaces;
4. creates a seasonal restriction on operating or using an outdoor wood-burning furnace under certain circumstances; and
5. allows replacing or modifying a lawfully installed outdoor wood-burning furnace if it results in a net reduction of particulate matter emissions.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2012

OUTDOOR WOOD-BURNING FURNACE REQUIREMENTS

Current law prohibits people from constructing, installing, establishing, modifying, operating, or using an outdoor wood-burning furnace until the United States Environmental Protection Agency regulations governing these furnaces take effect (none have been adopted) unless it was built or in use before July 8, 2005 or the furnace:

1. is installed at least 200 feet from the nearest residence not serviced by it;
2. has a chimney no higher than 55 feet but higher than the roof peaks of residences not serviced by it within 500 feet of the furnace;
3. burns only non-chemically treated wood; and
4. is installed and operated according to the manufacturer's written instructions, provided the instructions comply with the law.

The bill makes these restrictions permanent by no longer requiring their termination when federal regulations are effective. It adds wood pellets to the burnable materials.

The bill also extends to outdoor wood-burning furnaces built or in use before July 8, 2005 requirements that the furnaces (1) operate and be installed according to the manufacturer's written instructions and (2) burn only wood pellets or non-chemically treated wood.

SEASONAL OPERATION RESTRICTION

The bill prohibits operating or using an outdoor wood-burning furnace from May 1 to September 30 if:

1. an adjoining property owner affected by the use or operation of such a furnace files a written complaint with the Department of Energy and Environmental Protection (DEEP) commissioner or the local health director, and
2. the DEEP commissioner or local health director determines that the furnace's use or operation violates state air pollution control law or the Public Health Code's nuisance abatement provision.

BACKGROUND

Nuisance Abatement

Under the public health regulations, local health directors must investigate a nuisance or pollution when they are informed of it or it comes to their attention. If they find the nuisance or pollution exists,

they must issue a written order for abatement. The order must (1) specify the nature of the nuisance or pollution and (2) designate the time to abate or discontinue it. If the order is not complied with, the local health director must submit the information to the prosecutor (Conn. Agency Regs. § 19-13-B2).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/14/2012)